

ORDINANCE NO. 4-06

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XII,
RELATING TO CAMPAIGN FINANCE AND THE
VOLUNTARY EXPENDITURE LIMIT PROGRAM

THE PEOPLE OF THE CITY OF MOUNTAIN VIEW DO ORDAIN AS FOLLOWS:

Section 1. Section 2.100 of the Mountain View City Code is hereby amended to read:

"SEC. 2.100. Purpose.

This Article requires greater disclosure in local elections and is aimed at eliminating the possibility of corruption or the appearance of corruption; lessen the potentially corrupting pressures on candidates, office holders and committees for fund-raising; and to improve the disclosure of contribution sources in reasonable and effective ways and to help restore public trust in governmental electoral institutions."

Section 2. Section 2.101 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 2.101. Campaign disclosure reports.

a. All candidates, office holders and committees participating in local elections for the city council that are required to file campaign disclosure reports under the Political Reform Act, Government Code 81000, *et seq.*, shall also file said disclosure reports with the city clerk's office on the same date the filing is required by State law. Hard copies of all campaign disclosure reports shall be available for review in the city clerk's office, Monday through Friday, during regular business hours. The name of candidates and committees with a direct link to the campaign reports submitted by each candidate or committee shall be available on the city's web site within five (5) business days from the date of receipt of the reports by the city clerk. A final disclosure report shall be filed as required by Sec. 2.103(b).

b. Noncandidate groups, individuals and committees which participate in the city council elections and are required to file campaign disclosure forms pursuant to State law shall also file all forms required by this Article. Participation in the election shall occur on the date the noncandidate group, individual or committee accepts contributions, makes expenditures or contracts to make an expenditure in an amount(s) which requires the filing of campaign statements under State law."

Section 3. Section 2.102 of the Mountain View City Code is hereby amended to read:

"SEC. 2.102. Campaign disclosure threshold.

All candidates, office holders and committees participating in local elections for the city council that are required to file campaign disclosure reports under the Political Reform Act, Government Code 81000, *et seq.*, shall disclose all contributions of one hundred dollars (\$100) or more on all campaign disclosure reports filed with the city clerk."

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Section 4. Section 2.103 of the Mountain View City Code is hereby amended to read:

"SEC. 2.103. Contribution cut-off; final disclosure report.

a. No candidate, including the candidate's controlled committee, and no committee primarily formed to support or oppose a candidate or candidates for the city council, shall accept any contributions after 5:00 p.m. on the Tuesday prior to the election. The candidate or councilmember-elect can accept contributions beginning the Wednesday after the election, provided the checks are drawn and dated from that date forward.

b. Each candidate, including the candidate's controlled committee and a committee formed primarily to support or oppose a candidate or candidates for the city council, shall file a final disclosure report disclosing all contributions of one hundred dollars (\$100) or greater with the city clerk on or before 5:00 p.m. on the Thursday before the election. The candidate can choose to file the Mountain View campaign statement form or the FPPC form for the third preelection statement as required by this section."

Section 5. Section 2.104 of the Mountain View City Code is hereby added to read:

"SEC. 2.104. Voluntary expenditure limit.

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a. Purpose. In the year 2000, the city council adopted a voluntary expenditure limit (VEL) believing that if candidates knew that other candidates were willing to limit their expenditures, it may attract additional qualified candidates and allow all candidates and officeholders to spend a lesser proportion of their time on fund-raising and a greater proportion of their time communicating issues of importance to voters and constituents. In that action, adopted by resolution, the council set a voluntary expenditure limit in the year 2000 of fifteen thousand dollars (\$15,000). This expenditure limit is indexed to keep pace with changes in the cost of living and running campaigns.

b. The voluntary expenditure limit is established in year 2000 at fifteen thousand dollars (\$15,000) and shall be increased at the rate of three percent (3%) per year to keep pace with the changes in the cost of living and conducting a campaign (the adjusted VEL). Each candidate for office, at the time of filing his/her nomination papers with the city clerk, shall be advised by the City Clerk of the applicable VEL for that year and file a statement of acceptance or rejection of the voluntary expenditure limit ceiling.

c. No candidate for the city's elective office who accepts the voluntary expenditure limit, and no controlled campaign committee of such candidate shall make campaign expenditures in excess of the voluntary expenditure limit established in this section.

d. The following shall not count toward the VEL:

(i) Cost of the candidate statement, whether paid by the candidate or the city.

(ii) Contributions returned by the candidate within thirty (30) days of receipt.

e. The city clerk shall maintain appropriate records of expenditures which shall be available for inspection in the city clerk's office during regular business hours."

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Section 6. Section 2.105 of the Mountain View City Code is hereby added to read:

"SEC. 2.105. Public subsidy of cost of campaign statements.

- a. As part of the city elective process, candidates have the opportunity to publish a 200-word statement in the voter pamphlet published by the county registrar of voters. The cost of publishing that statement for each candidate has risen dramatically over the last number of years in order to enable the registrar to publish the pamphlet in the languages that are spoken by significant portions of the voters in the county.
- b. The city has adopted a program whereby a candidate who, at the time of filing nomination papers, elects to be bound by the voluntary expenditure limit, is eligible for the city to pay a portion of their cost of a candidate's statement, should they elect to prepare and submit one. Upon the candidate paying five hundred dollars (\$500) toward the statement, at the time of filing nomination papers, the city will cover the cost of the balance of the 200-word statement.
- c. In each election cycle, the furnishing of this program by the city is contingent upon a budget appropriation made as part of the election year budget process. The city clerk is required to advise candidates whether or not the program is available at the time they pull their nomination papers and whether the program is available in whole or in part. As part of the budget process, the council shall direct the city clerk relative to the level of support that will be offered, up to the maximum of the entire cost of the candidate's 200-word statement, minus five hundred dollars (\$500)."

Section 7. Section 2.105 of the Mountain View City Code is hereby added to read:

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"SEC. 2.106. Penalties/reimbursement.

- a. Any violation of the voluntary expenditure limit shall, within seventy-two (72) hours of the city's knowledge of the violation, be:
 1. Forwarded to a newspaper of general circulation for publication;
 2. Posted on the city's web site; and
 3. Posted at a reasonably accessible location at City Hall.
- b. If the city contributed public funds to offset the costs of a candidate's candidate statement fee or the candidate violates the voluntary expenditure limit which they previously elected, the candidate or councilmember-elect shall repay to the city the entire city contribution as required by this section.
 1. **Partial repayment.** If a candidate exceeds the voluntary expenditure limit by no more than five hundred dollars (\$500), the candidate shall repay to the city twenty-five percent (25%) of the amount the city paid toward the candidate statement fee.
 2. **Full repayment.** If the candidate exceeds the voluntary expenditure limit by more than five hundred dollars (\$500), the candidate shall repay to the city the entire amount of the city contribution.
- c. In all cases where the candidate has accepted a partial city contribution to the cost of the candidate statement fee, it is up to the applicant to determine compliance with this section, and if repayment is required by this section, the repayment is due and payable to the city within thirty (30) days of the expenditure that placed the candidate over the voluntary expenditure limit. The obligation to repay is not contingent on the receipt of an invoice from the city. For each month the candidate remains delinquent in

the repayment past the initial thirty (30) day period, interest shall accrue on any delinquency at the rate of ten percent (10%) per annum.

d. **Methods of collection.** In addition to all other remedies available to the city at law, the city auditor is directed to deduct any delinquent amounts on a month-to-month basis until paid in full from any councilmember-elect's city paycheck until the delinquency is paid in full. In the event of an unsuccessful candidate, the city clerk is directed not to accept nomination papers for a future election until any delinquency from a prior election is paid in full, including interest."

Section 8. Section 2.107 is hereby added to read as follows:

"**SEC. 2.107. Implementation.**

The city council by resolution may adopt guidelines or take other actions to implement the provision of this Article, including, but not limited to, variations to the length of the candidate statement, the amount and/or terms of the subsidy.

The city clerk may promulgate written guidelines, interpretations and regulations implementing this Article."

Section 9. This ordinance incorporates the provisions of Resolution No. 16465. Therefore, the adoption of this ordinance rescinds said resolution.

Section 10. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 11. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 12. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 11th day of April, 2006, and thereafter adopted at the Special Meeting of said Council, duly held on the 25th day of April, 2006, by the following roll call vote:

AYES: Councilmembers Macias, Means, Neely, Pear, Perry and Mayor Galiotto

NOES: None

ABSENT: Councilmember Kasperzak

NOT VOTING: None

ATTEST:

APPROVED:

(d)(5)

ANGELITA M. SALVADOR
CITY CLERK

(d)(5)

NICK GALIOTTO
MAYOR

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I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at the Special Meeting held on the 25th day of April, 2006, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 21st day of April, 2006 and posted in three prominent places in said City.

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City Clerk
City of Mountain View

MDM/9/ORD
014-04-11-060^